

March 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Terrance L. Toavs
LAW OFFICES of TERRANCE L. TOAVS
429 2nd Avenue South
Wolf Point, MT 59201
(406) 653-1624

Attorney for Petitioner

FILED

MAR 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE THE PARENTING OF,
D.N.S. A MINOR,

ASHLEY N. WATERS,

Petitioner and Appellee,

and

CLAUDE DANIEL SMITH,

Respondent and Appellant.

Cause No. DA 09-0521

MOTION TO EXTEND
BRIEFING DEADLINE WITH
SUPPORTING AFFIDAVIT

COMES NOW petitioner, Ashley Waters, by and through counsel,
to respectfully move the court to extend the briefing deadline in
this matter. Petitioner requests a thirty (30) day extension to
file her responsive brief, which would move the deadline to April
24, 2010. The basis of this motion is that petitioner's counsel
needs additional time to prepare this brief.

Attorney for petitioner has contacted opposing counsel, Mr.
Yellin, who does not object to the requested extension.

DATED: 3/18/10

Terrance L. Toavs, Attorney
for Petitioner

AFFIDAVIT OF TERRANCE L. TOAVS

STATE OF MONTANA)
County of Roosevelt)

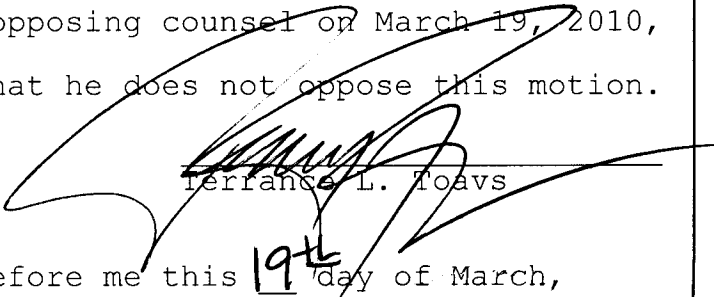
1 I, Terrance L. Toavs, having been first duly sworn, depose
2 and state as follows:

3 1. I am an attorney licensed to practice law in the State
4 of Montana and am the attorney for petitioner/appellee, Ashley
5 Waters, in this matter. The facts stated herein are known to me
6 of my own personal knowledge and if called as a witness herein, I
7 could and would competently testify thereto.


8 2. An extension of 30 days is required to allow me
9 additional time to prepare the Appellee's response brief. I have
10 a trial scheduled for March 23, 2010, in Plentywood, Montana,
11 which has consumed far more than the expected amount of time.
12 The result is that I have had less than adequate time to prepare
13 Waters' brief in this action.

14 3. My office contacted opposing counsel on March 19, 2010,
15 and opposing counsel advises that he does not oppose this motion.

16 DATED: 3/18/10


Terrance L. Toavs

17
18 Subscribed and sworn to before me this 19th day of March,
19 2010.

20 
Thea Michaelson, Notary
21 Public for the State of
22 Montana, residing in Wolf
Point, Montana. My
commission expires:
23 3-24-2010 -


24 CERTIFICATE OF SERVICE

25 I hereby certify that I served a copy of the forgoing upon
26 the following individual by depositing a true and correct copy
thereof in the United States Mail, postage pre-paid, and
addressed as follows:

27 Jeremy S. Yellin, Esq.
28 Attorney at Law
Po Box 564

1 Havre, MT 59501

2 DATED: 3/19/2010


Thea Michaelson, Paralegal
to Terrance L. Toavs

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ORIGINAL

Terrance L. Toavs
LAW OFFICES of TERRANCE L. TOAVS
429 2nd Avenue South
Wolf Point, MT 59201
(406) 653-1624

Attorney for Petitioner

FILED

MAR 20 2010

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STATE OF MONTANA

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IN RE THE PARENTING OF,
D.N.S. A MINOR,

ASHLEY N. WATERS,

Petitioner and Appellee,

and

CLAUDE DANIEL SMITH,

Respondent and Appellant.

Cause No. DA 09-0521

NOTICE

COMES NOW the Appellee, Ashley Waters, by and through
counsel, and gives Notice to the Court that on March 19, 2010,
opposing counsel contacted Attorney Toavs' office and gave notice
that he does not oppose extending the briefing deadline to April
24, 2010, in the above matter.

DATED: 3/18/10


Terrance L. Toavs
Terrance L. Toavs, Attorney
for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the forgoing upon
the following individual by depositing a true and correct copy
thereof in the United States Mail, postage pre-paid, and
addressed as follows:

1 Jeremy S. Yelling, Esq.
2 Attorney at Law
3 Po Box 564
4 Havre, MT 59501

5 DATED: 3/19/2010


Thea Michaelson, Paralegal
to Terrance L. Toavs